

REMARKS

In accordance with the foregoing, claims 9, 11, 12, and 13 are amended and new claim 34 is presented. Claim 20 is cancelled without prejudice or disclaimer. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims and new claim are respectfully requested.

Claims 9, 11-19, and 21-34 are pending and under consideration.

Claim Amendments

Claim 9 is amended herein to recite a method "wherein the brokering agent checks a qualification for a service description registration of an elementary service agent before the storing of service description information for the elementary service agent, and . . . wherein the meta-information used for preparing the elementary service request plan is information on users' access rights to elementary services, information on the line speed or processing speed of elementary services, or information on the user preference of the elementary services." Claims 11-13 are similarly amended.

Support for the amendment is found, for example, in paragraph [0045] of the specification and dependent claim 9 cancelled herein.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Traverse Of Rejection of Claims 9, 11-19, and 21-33

Claims 9, 11-19, and 21-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Bamforth et al. (US 6,330,617 B1). The rejections are traversed.

Independent claims 9 and 11-13, all as amended herein, respectively recite a service brokering method, a computer readable storage medium, and a service integration system including, using claim 9 as an example, "wherein the brokering agent checks a qualification for a service description registration of an elementary service agent before the storing of service description information for the elementary service agent, and . . . wherein the meta-information used for preparing the elementary service request plan is information on users' access rights to elementary services, information on the line speed or processing speed of elementary services, or information on the user preference of the elementary services."

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490

F. 2d 1981, (CCPA 1974)." Applicant submits that even an arguendo combination of the art relied on by the Examiner teaches recited features.

The Examiner asserts that DeLorme col. 31, lines 42-52 teaches "wherein the brokering agent checks the qualification of the elementary service agent before the storing of service description information for the elementary service agent" and features recited by dependent claims 30 - 33 "wherein the brokering agent checks the qualification of the elementary service agent upon receipt of a registration request message from the elementary service agent." In support of the rejection the Examiner further asserts DeLorme teaches:

updated availability information of service providers - if service is not available, it would not be qualified for entry.

(Action at page 3, line 23 - page 4, line 3 and page 16, line 21 - page 17, line 3).

I. Examiner's Statement Not Supported

Applicant respectfully traverses the Examiner's statement that "if service is not available, it would not be qualified for entry" and demand the Examiner produce authority for the statement. Applicant specifically points out the following errors in the Examiner's action.

First, the Examiner uses common knowledge as the principal evidence for the rejection. As set forth in MPEP § 2144.03(e):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

In addition, there is no evidence supporting the Examiner's assertion. See MPEP §2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

If the Examiner also bases the rejection, at least in part, on personal knowledge, the Examiner is required under 37 CFR § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an affidavit if warranted.

II. Recited Features Not Taught By Arguendo Combination of the Art

a) Applicant submits that DeLorme does not teach, alone or in combination, either a "brokering agent checks a qualification for a service description registration of an elementary service agent before storing of service description information for the elementary service agent," as recited by claim 9 for example, nor upon receipt of a registration request message, as recited.

By contrast, Delorme merely teaches:

Preferably, TRIPS 203 further offers/brokers Provider Input/Output 231 to and from third-party providers of travel information and services--optimally in real time online. Such third-party participation online enables enrolled TRIPS users to enjoy more immediate offerings, such as updated information on accommodations availability i.e. vacancies, special offers for price discounts or extra services, reservations and/or tickets for diverse accommodations or events, and so forth--as described in more detail hereinafter, particularly referring to FIG. 8.

(see, for example, col. 31, lines 42-52).

Delorme in combination with Bamforth does not teach checking of a qualification of a third-party provider, let alone, checking of the qualification "upon receipt of a registration request message from the elementary service agent."

By contrast, in the detailed description of Fig. 8 DeLorme merely teaches that the third-party providers "are subject to fees or charges." (see, for example, col. 64, line 18).

b) Applicant submits that DeLorme does not teach, alone or in combination, wherein the brokering agent generates the request plan which is taking into account meta-information describing the nature of the elementary service agent (emphasis added)," as recited by claim 9, for example.

The Examiner cites DeLorme Fig. 7A, Type and Sub-type information as teaching this feature. (Action at page 4, lines 3-7).

However, DeLorme merely teaches in Fig. 7A:

Thus, the TOPICAL RELATION at 701 in FIG. 7 corresponds with the TOPICAL SUBSYSTEM 213 in FIG. 2 and the equivalent TOPICS at 415 in FIG. 4. In FIG. 1C heretofore, access to the TOPICAL SUBSYSTEM in TRIPS was described with reference to the WHAT/WHO? main input menu 157. TOPICS in TRIPS includes a wide range of substantive travel information content including place names, symbols, other graphics, digital images and analog pictures including video or animated visual images, audio, voice and other sounds, even tabulated data and/or functional algorithms. Such diverse topical travel information content is illustrated in the SUPPLEMENTAL INFORMATION column under TOPICAL RELATION at 701 in FIG. 7. By means well-known in the art, this TOPICAL DATA can be categorized and searched by pre-defined data TYPES like HOTEL, CAMPGROUND and RESTAURANT (or EAT), plus more specific SUB-TYPES like STATE PARK or PIZZA as depicted in corresponding columns in the TOPICAL RELATION flat tile at 701. User browsing and computerized searches can also be conducted by the specific NAME and/or SUPPLEMENTAL INFORMATION attributes. More fully articulated embodiments of the TRIPS invention further provide for browsing or searching by the proper or common names of people, organizations, goods/services, natural or human-made objects, and so forth, including state-of-the-art text searches and associations and other "fuzzy" database search or data matching

technologies. By such means, for example, Sara Smith can manually browse or conduct computerized searches for TRIPS information on the related topics of "scuba diving" and "coral reefs". One or more TOPICAL DATA data records can be further related to TRIPS geographic, temporal and accounting travel information by preferred and well-known relational database methods as illustrated particularly in FIG. 7 and hereafter relative to FIG. 8B.

(see, for example, col. 58, lines 15-50).

That is, Fig. 7A merely teaches a type such as "RESTAURANT" and sub-type such as "PIZZA" and does not show the meta-information such as a user's account right or the like. By contrast col. 8, lines 33-48 only teach a travel route, availability, pricing, lodging, and restaurant or the like and do not teach meta-information describing the nature of the elementary service agent.

c) Further, DeLorme, alone or in combination, does not a method "wherein the meta-information used for preparing the elementary service request plan is information on users' access rights to elementary services, information on the line speed or processing speed of elementary services, or information on the user preference of the elementary services," as recited by claim 9 for example.

The Examiner asserts this feature was taught by DeLorme col. 8, lines 33-48. (Action at page 12, lines 8-12).

However, DeLorme merely teaches

The TRIPS software constructed for user travel planning using the electronic maps presented on the computer display permits user selection of a travel origin, travel destination, and desired waypoints between the travel origin and travel destination. The TRIPS software calculates, delineates and displays a travel route between the travel origin and the travel destination via the selected waypoints. In conjunction with the reservation system, the travel route is calculated according to user choice of the shortest travel route, quickest travel route, user determined preferred travel route taking into account seat (boat, plane, train, automobile, . . . etc.) availability, pricing, and departure/arrival times. The reservation system is not limited to modes of travel. Lodging, restaurant, cultural event, sporting event, theme park, tour, recreational, and other types of reservations are also accomplished.

(col. 8, lines 33-48).

That is, DeLorme merely teaches travel route, availability, pricing, lodging and the like and does not teach information on users' access rights, for example, as recited.

Summary

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 9, 11-19, and 21-33 should be allowed.

New Claim

New dependent claim 34 is presented to recite features in an alternative fashion. New claim 34 recites a method of electronic commerce for accessing a brokering agent, comprising: "determining a speed of a network used by each of a plurality of elementary service agents; and giving priority access to the brokering agent based on the determined network speed." Support for the new claim is found, for example, in paragraph [0120] of the specification.

These, and other, features of claim 34 patentably distinguish from the cited art, and they are submitted to be allowable for the recitations therein.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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